

Booker	Hirono	Portman
Boxer	Inhofe	Reed
Brown	Isakson	Reid
Burr	Kaine	Roberts
Cantwell	King	Rounds
Cardin	Klobuchar	Schatz
Carper	Lankford	Schumer
Casey	Leahy	Sessions
Cochran	Manchin	Shaheen
Collins	Markey	Stabenow
Coons	McCain	Tester
Corker	McCaskill	Thune
Donnelly	Menendez	Tillis
Durbin	Merkley	Udall
Enzi	Mikulski	Warner
Feinstein	Murkowski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Heinrich	Nelson	
Heitkamp	Peters	

NOT VOTING—3

Cruz	Perdue	Sanders
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The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 64.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

CHANGE OF VOTE

Ms. AYOTTE. Mr. President, on rollcall vote No. 53, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. PORTMAN. Mr. President, on rollcall vote No. 53, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2954

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 2954, offered by the Senator from Louisiana, Mr. CASSIDY.

The Senator from Louisiana.

Mr. CASSIDY. Mr. President, this amendment pertains to the sale from the Strategic Petroleum Reserve. It merely gives the government the authority to time that sale. We can buy oil high or buy oil low, but we should sell it higher.

All this amendment does—a common-sense, bipartisan amendment—is to say that whenever the oil is sold from the Strategic Petroleum Reserve, it should be when the best price is fetched, if you will, for the taxpayers of the country. It is common sense. It protects taxpayers. It should be adopted.

Thank you.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, Senator CASSIDY and I have offered this amendment in order to correct a problem in the bill. Without this amendment, there would not be the kind of discipline which is necessary in order

to make sure the Strategic Petroleum oil is sold strategically so that the Federal Government gets the best price for it, so that we sell high—or as high as we can—in order to limit the number of barrels of oil that ultimately will be sold so that we can keep as many as possible in the Strategic Petroleum Reserve.

In order to meet the budget objectives, this amendment satisfies it but also ensures that we keep the maximum number of barrels of oil remaining in the Strategic Petroleum Reserve. This is going to make millions—tens of millions of extra dollars for the Federal taxpayers because it will be done in a very smart way. We will be selling as high as possible because we bought this oil, for the most part, in a very high-priced marketplace.

Senator CASSIDY and I urge an “aye” vote on the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the work of both Senators, who came together with a very commonsense amendment.

Mr. President, I ask unanimous consent that the 60-vote affirmative threshold for the Cassidy-Markey amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2954) was agreed to.

AMENDMENT NO. 2953, AS AMENDED

The PRESIDING OFFICER. Under the previous order, amendment No. 2953, as amended, is agreed to.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order with respect to the vote on the motion to invoke cloture on S. 2012, upon reconsideration, be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that following leader remarks on Wednesday, April 20, the time until 10 a.m. be equally divided between the two leaders or their designees; further, that at 10 a.m., the Senate vote on passage of S. 2012, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, this brings us to the end of the agreed-to votes on the amendments that required a rollcall, as well as the 29 various amendments that were accepted by voice en bloc. We have made extraordinary progress on a good, strong, bipartisan energy modernization bill. I thank colleagues for the process we have all engaged in today as we have worked to wrap up the final measures to allow us to move to final passage tomorrow morning.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

ENERGY POLICY MODERNIZATION BILL

Ms. CANTWELL. Mr. President, I thank my colleagues for a productive afternoon. We certainly improved the Senate Energy bill with a variety of amendments—the lands package specifically but other amendments as well, such as the energy savings by our colleagues, Senator ISAKSON and Senator BENNET.

I am very glad we are where we are today, and hopefully we will have this wrapped up very early tomorrow. I thank all our colleagues for their cooperation. I again thank the staff for getting us to this point today.

Ms. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OKLAHOMA CITY BOMBING ANNIVERSARY AND FILLING THE SUPREME COURT VACANCY

Mr. LANKFORD. Mr. President, in February of this year, Justice Scalia passed away. It was an enormous loss to the Nation.

In the hours and the days following that, Republicans in the Senate had the opportunity to talk about their constitutional responsibility—the responsibility of advice and consent. Supreme Court justices don't show up to the Supreme Court because the President just nominates them. In the Constitution, article II, section 2, lays out a 50-50 proposition.

The President has the first 50 percent. He narrows down his list, and he nominates.

The Senate then has the second 50 percent. They have the power of what is called advice and consent. The first half of that is when. Is this the right time to do a nominee? And with many nominees, historically—Ambassadors, Justices, Cabinet officers—the Senate has had a long delay to be able to say: No, this is not the right time.

So the first question is, Is this the right time? The second question is, Is this the right person? That is the process of advice and consent, and it has been for 200 years.

So what has happened since February? Since February, Republicans